IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY EIGHTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

**THE HON'BLE MR JUSTICE V.ESWARAIAH**

**WRIT PETITION NO : 11619 of 2004**

Between:

1 Budha Saibabu S/o Veer Raju
Kirlampudi PACS, Kirlampudi Mandal, E.G.District
2 Y.Ramakrishna S/o Bullabbai
Kirlampudi PACS, Kirlampudi Mandal, E.G.District
3 A.Manikyam S/o Nooka Raju
Kirlampudi PACS, Kirlampudi Mandal, E.G.District
4 P.V.V.Satyanarayana Murthy S/o Govindarajulu
Kirlampudi PACS, Kirlampudi Mandal, E.G.District
5 M.Satyanarayana S/o Atchutaramaiah
Kirlampudi PACS, Kirlampudi Mandal, E.G.District
6 D.Narayana Rao S/o Jagannadha Rao
Kirlampudi PACS, Kirlampudi Mandal, E.G.District
7 Ch. Satyanarayana S/o Rammurthy
Kirlampudi PACS, Kirlampudi Mandal, E.G.District

**..... PETITIONER(S)**

AND

1 The Government of AP. rep. by its Secreary, Cooperation Department
Secretariat, hyderabad
2 The commissioner for Cooperation and Registrar of Cooperative Societies
Nampally, Hyderabad
3 The District Cooperative Officer E.G.District at Kakinada
4 The Divisional Cooperative Officer Peddapuram, E.G.District
5 The Kirlampudi PACS, Kirlampudi Mandal E.G.District
rep. by its Chairman/PIC
6 The Polinadu C.R.B.Kirlampudi Kirlampudi Mandal, E.G.District
rep. by its Chairman/ PIC

**.....RESPONDENT(S)**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of writ of Mandamus declaring the impugned G.O.Ms.No.94 dt. 28/02/2004 and consequential proceedings of termination issued by the respondent societies as highly illegal, arbitrary and violative of Art. 14 and 21 of the Constitution of India and also contrary to the provisions of AP.CS. Act and without jurisdiction and consequently set aside the same

**Counsel for the Petitioner:MR.G.V.SHIVAJI**

**Counsel for the Respondent No.: GP FOR COOPERATION**

**The Court made the following :**

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**ORAL ORDER**:

The petitioners have filed this writ petition seeking a Mandamus to declare G.O.Ms.No.94, dated 28.2.2004 as illegal, arbitrary and

contrary to the provisions of the Andhra Pradesh Cooperative Societies Act and without jurisdiction.

The validity of G.O.Ms.No.94, Agricultural and Cooperative (Coop.VI) Department, dated 28.2.2004 was upheld by my learned brother Hon'ble Justice Goda Raghuram in W.P.No.25318 of 2003 on 6.8.2004. However, I have taken a view in W.P.No.3171 of 2003 and batch, dated 30.8.2004 that the provisions of Section 116-C(1) of A.P. Co-operative Societies Act are mandatory in nature and every Primary Agricultural Co-operative Society is bound to implement the said mandatory provisions under Section 116-C(1) of A.P. Co-operative Societies Act as regards fixation of the staffing pattern, pay and allowances approved by the Registrar of Co-operative Societies subject to the condition that the total expenditure on pay and allowances shall not exceed 2% of the working capital or 30% of the gross profit in terms of actual whichever is less in a year.

In view of the above, the writ petition is disposed of directing the respondents to implement the provisions of Section 116-C(1) of A.P. Co-operative Societies Act as regards the retrenchment/termination and payment of the salaries to the employees of the Primary Agricultural Co-operative Societies. No order as to costs.

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(V.ESWARAIAH, J.)

28th September, 2004.

Bcj

To

1 The Secretary, The Government of AP. Cooperation Department Secretariat, Hyderabad
2 The commissioner for Cooperation and Registrar of Cooperative Societies Nampally, Hyderabad
3 The District Cooperative Officer E.G.District at Kakinada
4 The Divisional Cooperative Officer Peddapuram, E.G.District
5 The Chairman/PIC, The Kirlampudi PACS, Kirlampudi Mandal E.G.District
6 The Chairman/PIC, The Polinadu C.R.B.Kirlampudi Kirlampudi Mandal, E.G.District